

### **REMARKS**

Claims 1-86 remain pending in the application, with claims 31-55 and 67-85 withdrawn from consideration by a Restriction Requirement.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

#### **Claims 1-6, 8-17, 23-27, 30, 56-66 and 86 over Jamtgaard**

In the Office Action, claims 1-6, 8-17, 23-27, 30, 56-66 and 86 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,430,624 to Jamtgaard et al. ("Jamtgaard"). The Applicants respectfully traverse the rejection.

Claims 1-6 and 8 recite a session manager examining data content from communications of a device and a content provider to change characteristics associated with a translator and a transformer based on the session managers' examination of the data content communicated between at least one of the device and the content provider. Claims 9-17, 23-27 and 30 recite session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface. Claim 56 recites translating and/or transforming that are performed based on examining at least one of a first data and a second data communicated between one or more devices, a controller and a content provider. Claims 57-66 recite extracting information from a message and selecting transformation specifications based on the extracted information.

The Examiner alleges that Jamtgaard discloses a session manager examining data content from communications of a device and a content provider to change characteristics associated with a translator and a transformer based on the session managers' examination of the data content at col. 5, lines 27-53 (See Office Action, page 3).

Jamtgaard discloses at col. 5, lines 27-53 a translation server that includes an intelligent harvester. The intelligent harvester not only grabs content

from a web site, but also allows any functionality of that site to be enabled on that target information appliance or device (See Jamtgaard, col. 5, lines 30-38). This enabled functionality may include, for example, forms, transactions, javascripts, cookies, session data and security measures (See Jamtgaard, col. 5, lines 38-40). This enabled functionality is possible due to a virtual browser that provides, for example, javascript and cookie proxy engines, so that an information appliance that cannot support javascript may do so with the javascript being executed on the translation server (See Jamtgaard, col. 5, lines 40-45).

Thus, Jamtgaard discloses at col. 5, lines 27-53 a translation server that includes a virtual browser for executing web content that an information appliance cannot execute **NOT** a session manager examining data content from communications of a device and a content provider to change characteristics associated with a translator and a transformer based on the session managers' examination of the data content and extracted information from a message as alleged by the Examiner, as recited by claims 1-6, 8-17, 23-27, 30 and 56-66.

Jamtgaard discloses an XML engine that converts an XHTML page to a proprietary markup language RML using a rule-set (See col. 7, lines 48-51). An XSL rule-set specifies what pieces of content to display on vary appliances as well as the relational structure among those pieces of content and a perl script (See Jamtgaard, col. 7, lines 52-56). A layout engine processes content to convert relational RML content into device and protocol specific mark-up language formats (See Jamtgaard, col. 8, lines 4-6). A class attribute allows different levels of content to be presented to different classes of devices (See Jamtgaard, col. 14, lines 17-18).

Jamtgaard discloses an XML engine that converts an XHTML page to a proprietary markup language RML using a rule-set. Jamtgaard layout engine processes content to convert relational RML content into device and protocol specific mark-up language formats. Thus, Jamtgaard discloses processing of content based on protocol and a class of device. Protocol and class of device are **constants** for communications established between two device **NOT** necessitating examination of data content. In contrast, data content

has the potential to and does typically frequently changes during communications, depending on the type of information a user is receiving from a data source. Thus, Jamtgaard at best discloses basing conversion of RML content on a class of device (a constant) and protocol (a constant) **NOT** basing translating and/or transforming on **examination of data content** (that has the potential to frequently change) and **extracted information from a message** (that has the potential to frequently change), as recited by claims 1-6, 8-17, 23-27, 30, 56-66 and 86.

Accordingly, for at least all the above reasons, claims 1-6, 8-17, 23-27, 30, 56-66 and 86 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 7 and 29 over Jamtgaard in view of Vange**

In the Office Action, claims 7 and 29 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent Publication No. 2002/0002602 to Vange et al. ("Vange"). The Applicants respectfully traverse the rejection.

Claims 7 and 29 are dependent on claims 1 and 9, and are allowable for at least the same reasons as claims 1 and 9.

Claim 7 recites a session manager examining data content from communications of a device and a content provider to change characteristics associated with a translator and a transformer based on the session managers' examination of the data content communicated between at least one of the device and the content provider. Claim 29 recites session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface.

As discussed above, Jamtgaard examines protocol and class of device as a basis for data processing. Jamtgaard fails to disclose or suggest translating and/or transforming based on **examination of data content** communicated between at least two devices, as recited by claims 7 and 29.

The Office Action relies on Vange to allegedly make up for the deficiencies in Jamtgaard to arrive at the claimed invention. The Applicants respectfully disagree.

The Applicants previously argued that the Examiner provides no prima facie evidence that the cited passages in Vange at page 9, paragraph 0091; page 10, paragraphs 0096 and 0097; and page 9, paragraph 0089 (Office Action at 9) are all contained within any of the provisional applications.

If the Examiner were to rely on subject matter within any of the provisional applications bearing an earlier filing date than the present application, then such provisional application must be formally cited, and the Applicant must be given a copy of such provisional application to have the ability to respond thereto.

The Examiner responds that the Applicants have access to Vange's provisional application by accessing the PTO PAIR system. However, PAIR gives access to published applications and patents. PAIR provides **NO ACCESS** to the content of a provisional application, as provisional applications are **not published** for public review.

Moreover, even if such provisional application were to contain the subject matter cited by the Examiner at page 9, paragraph 0091; page 10, paragraphs 0096 and 0097; and page 9, paragraph 0089, Vange still fails to disclose, teach or suggest the present invention.

In particular, the claims of the present application require an **examination of data** communicated as a basis for translation and/or transformation.

Vange discloses a method and system for connecting a plurality of servers to a plurality of clients. (Tanaka, Abstract) Tanaka fails to disclose a need for translation and/or transformation, much less suggest an **examination of data** communicated as a basis for translation and/or transformation, as recited by claims 7 and 29.

Thus, Jamtgaard modified by the disclosure of Vange would still fail to disclose, teach or suggest a system and method wherein an **examination**

of data communicated as a basis for translation and/or transformation, as recited by claims 7 and 29.

Accordingly, for at least all the above reasons, claims 7 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 18-22 over Jamtgaard in view of Nielson**

In the Office Action, claims 18-22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent No. 5,899,975 to Nielson ("Nielson"). The Applicants respectfully traverse the rejection.

Claims 18-22 are dependent on claim 9, and are allowable for at least the same reasons as claim 9.

Claims 18-22 recite session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface.

As discussed above, Jamtgaard at best discloses basing conversion of RML content on a class of device and protocol **NOT** basing translating and/or transforming on **examination of data content** communicated between at least two devices, as recited by claims 18 and 22.

The Office Action relies on Nielson to allegedly make up for the deficiencies in Jamtgaard to arrive at the claimed invention. The Applicants respectfully disagree.

Nielson is relied on to disclose two style sheets that are selected and applied independently to a second data at Nielson, col. 7, lines 31-36, and the capabilities of style sheets adding additional functionality and a much more pleasing and semantically consistent presentation for a user at col. 1, lines 54-57 and col. 8, lines 28-29 (See Office Action, pages 10, 11 and 12).

Nielson appears to disclose using a style sheet for the generating audio information generated by a voice synthesizer from text (Abstract).

Nielson uses a style sheet to control the sound produced by a voice synthesizer. Applicants' style sheet is used to control a translator and/or transformer in a communication path between a client and a content provider. Thus, Jamtgaard modified by Nielson would result in Jamtgaard using a style sheet to control the sound produced by audio information by a voice synthesizer, which is **nonsensical** since Jamtgaard fails to even disclose a voice synthesizer.

Thus, Jamtgaard modified by the disclosure of Nielson would still fail to disclose, teach or suggest basing translating and/or transforming on **examination of data content** communicated between at least two devices, as recited by claims 18-22.

Accordingly, for at least all the above reasons, claims 18-22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claim 28 over Jamtgaard in view of McCartney**

In the Office Action, claim 28 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent Publication No. 2002/0010716 to McCartney et al. ("McCartney"). The Applicants respectfully traverse the rejection.

Claim 28 is dependent on claim 9, and is allowable for at least the same reasons as claim 9.

Claim 28 recites session managing to change characteristics associated with transforming based on examining data content communicated between a device and a content provider interface.

McCartney is not prime facie prior art with respect to the claims of the present invention.

The Applicants previously argued that the Examiner provides no prima facie evidence that the cited passages at page 2, paragraph 0020 and page 1, paragraph 0007 (Office Action at 11) are all contained within any of the provisional applications.

If the Examiner were to rely on subject matter within any of the provisional applications bearing an earlier filing date than the present application, then such provisional application must be formally cited, and the Applicant must be given a copy of such provisional application to have the ability to respond thereto.

The Examiner responds that the Applicants have access to McCartney's provisional application by accessing the PTO PAIR system. However, PAIR gives access to **published applications** and **patents**. PAIR provides **NO ACCESS** to the content of a provisional application, as provisional applications are **not published** for public review.

Moreover, even if such provisional application were to contain the subject matter cited by the Examiner at page 2, paragraph 0020 and page 1, paragraph 0007, McCartney still fails to disclose, teach or suggest the present invention.

In particular, the claims of the present application require session managing to change characteristics associated with transforming based on examining data content communicated between a device and a content provider interface.

McCartney is relied on to disclose querying a provider database, receiving a previously registered XSL style sheet associated with a new content provider from a provider database, and optimizing a web site for clients having different capabilities (Office Action, pages 10, 11, 12 and 13).

McCartney discloses a method and system that generates web pages optimized for a client's capabilities, such as browser type, browser version, available transfer rate, display capabilities, and terminal device capabilities (Abstract). A server generates the web pages optimized for the client's capabilities (McCartney, Figs. 2 and 3).

McCartney discloses creation of original content web pages optimized for a client's capabilities, **NOT** session managing to change characteristics associated with transforming based on examining data content

communicated between a device and a content provider interface, as recited by claim 28.

Thus, Jamtgaard modified by the disclosure of McCartney would still fail to disclose, teach or suggest session managing to change characteristics associated with transforming based on examining data content communicated between a device and a content provider interface, as recited by claim 28.

Accordingly, for at least all the above reasons, claim 28 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,  
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